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) Case No. 1:22-cv-10016
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1 Dr. E. Nace - 3/15/23

2 A No, I don't.

3 Q Would it have been in February when you
4 testified that you reviewed materials such as
5 deposition transcripts?

6 A Yes.

7 Q And do you recall that on January 25th,
8 2023, you informed defendant's counsel that you
9 had to withdraw from serving as an expert in this
10 case?

11 A That I had to withdraw?

12 Q Correct.

13 A I don't recall withdrawing. I recall some
14 concern about the time frames that were being put
15 forth.

16 MR. DeOREO: I'll object to any
17 further questions and instruct him not to
18 answer with his communications with
19 counsel. It's protected by Rule 26.

20 BY MR. CRAIG:

21 Q Without getting into questions that you've
22 had with counsel for Donald Trump in this case,
23 did there come a point where you were no longer
24 able to perform your role as a rebuttal expert in
25 this case?

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2 A Not that I was aware of.

3 Q Did there come a point where you
4 understood that you were no longer retained or no
5 longer serving as an expert for Donald Trump in
6 this case?

7 A I wasn't aware of that.

8 Q Were you aware that Donald Trump informed
9 the Court in a letter that you would no longer be
10 serving as an expert in this case in early
11 February 2023?

12 A No.

13 Q Were you aware that Donald Trump retained
14 the services of two other experts in this case?

15 A No.

16 Q Okay. Are you familiar with the names
17 Dr. Ian Lamoureux and Dr. Jill Hayes?

18 A No.

19 Q Are you hearing those names for the first
20 time today?

21 A I think so.

22 Q Do you have any awareness at all about
23 interactions with the Court with respect to your
24 service as an expert in this matter?

25 MR. DeOREO: Objection.

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Q Did you understand that your expert report was originally due on January 30th, 2023?

A I don't think so, because no one demanded that. So I didn't --

Q So when you testified previously that you expected to be able to meet the deadlines that the Court had set for this case, you were unaware that the Court had set a January 30th, 2023, deadline for your expert report?

A I don't remember that being a deadline. Maybe it was posed to me. I'm not sure. And I don't recall whether I said, "Okay, fine," or -- but I -- certainly something happened and I didn't get materials or I didn't hear from anybody for a while.

Q And did there come a time after January 9th, 2023 -- and I'm sorry to have to ask about this -- that your wife's health condition changed your capacity to complete your expert work in this case?

A No.

Q Have there any -- been any changes to your wife's health condition since January 9th, 2023?

A Since when?

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2 Q January 9th, 2023.

3 A I'd say things are stable. I mean,
4 there's always little ups and downs along the way.

5 Q And can you tell me what -- what condition
6 your wife is currently treating or dealing with?

7 A End-stage renal disease.

8 Q And between January 9th and the time you
9 submitted your report, were you ever -- did you
10 ever stop working on this case for a period of
11 time?

12 A I started working on the case when
13 materials arrived for me to look at.

14 Q And you testified that was in -- sometime
15 in early February 2023?

16 A As best I recall. I have billing records
17 that would specify a date that I reviewed
18 something. I don't have them here, but my
19 guess -- best guess is it must have been somewhere
20 in February.

21 I mean, I could be wrong. Maybe I got
22 records in January. I just don't recall when they
23 arrived.

24 Q Do you recall the total amount of time, in
25 terms of days or weeks, that you spent doing your

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2 she had experienced on January 17th?

3 MR. DeOREO: Objection; misstates
4 the letter.

5 MR. CRAIG: I'm not misstating the
6 letter.

7 THE WITNESS: I don't --

8 BY MR. CRAIG:

9 Q Do you understand my question?

10 A I -- I don't remember what I said and I
11 don't remember who I talked to.

12 MR. SEIGEL: It doesn't say at that
13 moment they're moving forward. I know
14 where you're going with this, but I'm just
15 giving you a heads-up --

16 MS. KAPLAN: This is inappropriate
17 objection for a deposition.

18 MR. SEIGEL: Fair enough. I'm
19 trying to move things along.

20 BY MR. CRAIG:

21 Q So on January 17th, your wife had a
22 surgery; correct?

23 A Yes.

24 Q She went back to the hospital on
25 January 18th?

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2 A Uh-huh.

3 Q And they reversed the procedure from
4 January 17th --

5 A On the 19th.

6 Q -- on January 19th?

7 A Right.

8 Q And after that, you testified previously
9 that she was stable until present, and that the
10 next surgery she had was on February 14th relating
11 to her catheter; correct?

12 A Well, I was a little off on that, because
13 I didn't -- now looking at this, she was in the
14 hospital after the 19th. She didn't go home until
15 maybe Sunday -- I don't remember, Saturday or
16 Sunday. So they kept her a couple days to watch
17 her. And so by the end of that weekend, she was
18 home.

19 Q And Sunday was January 22nd?

20 A Yeah. Right.

21 Q So on January 24th, did you report that
22 she needed immediate surgery in face of real risk
23 of death?

24 A I don't remember what day I talked to
25 anybody. But if it -- if I said "immediate